CLOSED

*UNITED STATES DISTRICT COURT*
**SOUTHERN DISTRICT OF CALIFORNIA**

United States of America

v.

Esmir Leyva-De La Cruz

Citizen of Mexico

USM#: 70583-208 DOB: 1970

# JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

**No. 08-15341-001M-SD**

Lorna Spencer (AFPD)
Attorney for Defendant

ICE#: A98 946 416

**THE DEFENDANT ENTERED A PLEA OF** guilty on 2/28/2008 to Count THREE of the Complaint.

**ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S):** violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count THREE of the Complaint.

**IT IS THE JUDGMENT OF THE COURT THAT** the defendant is hereby committed to the custody of the Bureau of Prisons for a term of SIXTY-FIVE (65) DAYS on Count THREE, with credit for time served.

**IT IS FURTHER ORDERED** that all remaining counts are dismissed on motion of the United States.

## CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

**SPECIAL ASSESSMENT:** $Remitted **FINE:** $ **RESTITUTION:** $

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than $25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of $Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count THREE of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.
The defendant is remanded to the custody of the United States Marshal.

***08-15341-001M-SD***
*USA vs. Esmir Leyva-De La Cruz*

Date of Imposition of Sentence: **Thursday, February 28, 2008**

Date 2/28/2008

JAY R. IRWIN, United States Magistrate Judge

**RETURN**

I have executed this Judgment as follows:

Defendant delivered on 4-17-08 to Cibola Co. at Milan NM, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

Roddie Rushing Warden By: Charlotte Kluty RM

~~United States Marshal~~ ~~Deputy~~ Marshal

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CERTIFIED TO BE A TRUE COPY
DATED: 2/28/08

RICHARD H. WEARE, CLERK
U. S. DISTRICT COURT

BY L. Daily
DEPUTY CLERK